Attorney Docket Number: FSP0149
Client Reference Number: 260146US
Title: DATA NORMALIZATION
Application Number: 09/995,058

REMARKS

In an office action mailed on May 15, 2006, claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) s being unpatentable over Dziekan et al. (U.S. Pat. No. 6,704,288) in view of Agarwal et al. (U.S. Patent Application Publication No. 2003/0028642). Applicant thanks the examiner for careful consideration of the application. In response to the Office action, Applicant presents the arguments herein. In view of these remarks, Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Claims 1 and 8

One aspect of claim 1 and 8 is logic to normalize the performance metrics by applying device-specific information for the network elements from which the network performance metrics were obtained. Dziekan, Col. 5, line 36-58 teaches device-configuration module 190 is used in manager 100 of the present invention to allow service providers (e.g., 103, 105, . . . , 107) to set specific parameters of the network elements (e.g., 102, 104, . . . , 106) for operation or test purposes. As an example, diagnosis element 160, upon receiving a query from, for example, data service provider 105, can use device-configuration entity 190 to set the network elements (for example, cable modem 102) in a test mode.

Applicant submits that different things are being done. In particular, Dziekan describes configuring network devices into different modes, whereas the claims describe applying device-specific information to normalize performance metrics.

Agarwal, paragraph 0078 teaches that the monitored information is also fed to the Aggregator 120, which accumulates and normalizes the metrics in some meaningful fashion. This leads to metrics on the global usage of each resource class, as well as the usage by each customer.

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Applicant again submits that different things are being done. In particular, Agarwal does not teach normalizing performance metrics according to device-specific information. Argawal merely teaches that the metrics are normalized in "some meaningful fashion". There is no teaching in either reference relied upon of applying device specific information to normalization. Applying the device configuration of Dziekan to the normalizer of Agarwal would result in a system whereby network devices could be configured, and performance data was normalized in "some meaninful fashion", but not in a system where device-specific information is used to normalize performance data.

Agarwal, paragraph 0078 teaches that this latter usage is compared with the permissible range set in the customer's service level agreement. Based on these numbers, the Aggregator 120 determines whether any changes are required to the current resource allocation for each customer, and suggests these to the Global Decision Maker 140.

Argawal suggests that the normalization is according to customer usage, not device-specific information

Claims 3 and 10

One aspect of claim 3 and 10 is the system of claim 2 wherein the device-specific information includes at least one of make, model, hardware version, software version, and element settings associated with each of the network elements.

Dziekan, Col. 5, line 36-58 and col. 10, lines 27-57 teaches that device-configuration entity 190 can also be used by service manager 120 to configure certain pre-defined parameters of the network elements.

Applicant submits that there is no teaching anywhere in either reference of applying make, model, hardware version, software version, or element settings to the normalization of network performance parameters

Claims 4 and 9

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One aspect of claim 4 and 9 is the data collector is further configured to obtain at least one of Management Information Base objects and command line interface information from the network elements and the logic is further to determine the device-specific information from the at least one of Management Information Base objects and command line interface information.

Dziekan, Col. 4, lines 5-34 teaches that service manager 120 can determine if a service provider is authorized to access management information base (MIB) objects of the network elements and receive reports of the network elements' failures.

Dziekan appears to teach accessing the MIB to receive reports of the device's failure.

Conclusion

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

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